IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.7443 OF 2005

The State of Maharashtra ...Applicant

Vs.

Manulal Gulab Tamboli ...Respondent

Shri D.P.Adsule, A.P.P for the State.
Shri T.D. Deshmukh for the Respondent.

CORAM : A. S. OKA, J.
DATE : NOVEMBER 15, 2006.

P.C.:

1. Heard the learned A.P.P in support of the Application. The acquittal of the Respondent-accused is for offence punishable under section 429 of the Indian Penal Code. A complaint was filed with the police by one Pramod Jagtap alleging that his bullock died due to electric shock. According to the case of the complainant on 01st July, 1999 at about 5.00 p.m his servant took a bullock and other cattle towards Bhima river. While returning from the river, one bullock became uncontrollable and came in contact with a live electrical wire. According to the prosecution case, mischief was committed by the Respondent as a result of which the bullock died.

2. The learned Trial Judge has considered the evidence of the prosecution witnesses. Evidence is

produced to show that one L.T.Line of electricity was passing through the field of said Pramod Jagtap. The said line was cut off which came in contact with the bullock as a result of which the bullock suffered electricity shock. The allegation is that alleged incident occurred due to negligence on the part of the Respondent.

3. P.W.1 Laxman Lavate stated that one Mahadev had informed the Respondent about the cut-off electric wire and had requested him to reconnect wire. In the cross-examination P.W.1 admitted that he himself did not inform the Respondent that the wire was cut off. P.W.6 Prabhakar also deposed that it was Mahadev who had informed the Respondent to reconnect electric wire. The said Mahadev was at the relevant time employed with the first informant Pramod Jagtap. However, the prosecution did not examine said Mahadev as a witness. Considering this aspect, the learned Trial Judge has not accepted the case of the prosecution that the Respondent had intentionally or knowingly caused wrongful loss to the complainant. The view taken by the learned Trial Judge is a possible view which could have been taken on the basis of evidence on record. No case is made out for grant of leave. Application is rejected.

JUDGE